

## **REMARKS**

In response to the above-identified Office Action (“Action”), Applicants submit the following remarks and seek reconsideration thereof. Claims 1 and 3-20 are pending in the present application. Claims 16-20 are allowed. Claims 1, 3-9 and 15 are rejected. In this response, claims 3-5, 8 and 9 are amended, claims 1, 7 and 10 are cancelled and no claims are added.

### **I. Claim Amendments**

Applicants respectfully submit herewith amendments to claims 3-5, 8 and 9. Claims 3-5 and 8 are amended to depend from claims 19 and 20, respectively, instead of cancelled claims 1 and 7. Applicants respectfully submit the amendments do not add new matter and are supported by the specification. In view of the foregoing, Applicants respectfully requests consideration and entry of the amendments to claims 3-5, 8 and 9.

### **II. Claim Rejections – 35 U.S.C. §103**

A. In the outstanding Action, claims 1 and 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0161462 issued to Fay et al. (“Fay”) and U.S. Patent No. 6,826,282 B1 issued to Pachet et al. (“Pachet”).

To establish a *prima facie* case of obviousness, the Examiner must set forth “some articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (2007). In combining prior art elements to render the claimed combination of elements obvious, the Examiner must show that the results would have been predictable to one of ordinary skill in the art. See Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, Section III(D), issued by the U.S. Patent and Trademark Office on October 10, 2007.

Claim 1 is cancelled therefore the rejection of claim 1 on this basis is moot. Claims 4-6 are amended to depend from allowed claim 19. Thus, for at least the reasons that the claims depend from an allowable base claim, claims 4-6 are not *prima facie* obvious in view of Fay and

Pachet. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 under 35 U.S.C. §103 in view of Fay and Pachet.

**B.** In the outstanding Action, claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fay and Pachet and further in view of U.S. Publication No. 2005/0080616 issued to Leung et al. ("Leung") and U.S. Publication No. 2003/0053680 issued to Lin et al. ("Lin").

Claim 3 is amended to depend from allowed claim 19. Thus, for at least the reason that the claim depends from an allowable base claim, claim 3 is not *prima facie* obvious in view of Fay, Pachet, Leung and Lin. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. §103 in view of Fay, Pachet, Leung and Lin.

### **III. Claim Rejections – 35 U.S.C. §102**

In the outstanding Action, claims 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,459,797 B1 issued to Ashour et al. ("Ashour").

It is axiomatic to a finding of anticipation that each and every element of the rejected claim be found within a single prior art reference.

Claim 7 is cancelled therefore the rejection of claim 7 on this basis is moot.

Claim 8 is amended to depend from allowed claim 20. Thus, for at least the reason that the claim depends from an allowable base claim, claim 8 is not anticipated by Ashour. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §102 in view of Ashour.

Claim 9 is amended to incorporate the elements of now cancelled claim 10. The Examiner indicates in the Action that claim 10 would be allowable if rewritten in independent form. Thus, since claim 9 is rewritten in the manner proposed by the Examiner, claim 9 is in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 9 under 35 U.S.C. §102 in view of Ashour.

#### **IV. Allowable Subject Matter**

Applicants acknowledge with appreciation the Examiner's allowance of claims 16-20.

Applicants respectfully acknowledge the Examiner's indication that claims 10-14 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As previously discussed, claim 9, from which claim 10 depends, has been amended to incorporate all the elements of claim 10. Applicants therefore respectfully request withdrawal of the objection on this basis and allowance of claims 9 and 11-14 at the Examiner's earliest convenience.

### **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 3-6, 8, 9 and 11-20, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on May 19, 2008.

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